

REMARKS

This Response is submitted in reply to the Office Action dated January 14, 2005. Claims 1 to 62 are pending in the patent application. Claims 1, 6, 9, 12, 17, 21, 55 and 59 have been amended for clarification purposes. No new matter has been added by any of the amendments made herein. A Petition for a One-Month Extension of Time to Respond to the Office Action is submitted herein. A check in the amount of \$120.00 is enclosed to cover the fee for the One-Month extension. Please charge deposit account no. 02-1818 for any insufficiency or to credit any overpayment.

Claim 1 to 3, 5, 12, 14, 15, 25 to 29, 40 to 44 and 55 to 58 were rejected under 35 USC §102(e) as being anticipated by US Publication No. 2002/0086725A1 to Fasbender et al. ("Fasbender"). Claim 16 was rejected under 35 USC §103(a) as being unpatentable over *Fasbender*. Claims 4, 6 to 11, 13, 17 to 24, 30 to 39, 45 to 54 and 59 to 62 were rejected under 35 U.S.C. Applicants respectfully disagree and traverse these rejections. Additionally, as discussed during the personal interview, the claims have been amended to clarify the previously existing elements in the claims. Specifically the word "directly" has been added to the claims to clarify that the already existing elements of the claim.

More specifically, amended Claim 1 is directed to a gaming device including, among other elements, a processor which causes a display device to replace a set of reels in a first secondary game with a second secondary game when a second triggering event occurs in the first secondary game. The primary game does not include a triggering event which directly causes the processor to cause the display device to display the second secondary game. *Fasbender* does not disclose, teach or suggest at least these elements for the following reasons.

Fasbender is directed to a gaming device having a primary game and at least one secondary or bonus game where the player selects paylines in the primary game and initiates one or more bonus games when a designated symbol combination or certain symbols are located on the selected paylines. Regarding the secondary or bonus game, *Fasbender* states the following:

[0054] In the primary game illustrated in FIGS. 8 and 9, a player selects one or more available paylines 34" along array 30", which are referred to as "selected" paylines 35". A payline 34" may be selected, as known in the art, for example, by placing a wager of money, money credits, or tournament points thereon. Once a player indicates that all of the desired paylines 34" have been selected, symbols 36" are randomly assigned to each image site 32" of array 30". (Emphasis Added).

[0056] If a particular, predetermined or prespecified (e.g., by the player) trigger symbol 36T" is present in a selected payline 35", play may proceed to a bonus round. . . . As an alternative to the use of a single trigger symbol, another predetermined or preselected triggering event, such as the presence of a certain combination of symbols 36" along a selected payline 35", may qualify the player for a bonus round.

[0057] As depicted in FIG. 9, at least one symbol 36" from the corresponding selected payline 35" of the primary game is replaced with a randomly selected replacement symbol 36R". A player may be given the option to hold over one or more symbols 36" from the corresponding selected payline 35" (FIG. 8) to the bonus payline 38". Alternatively, a new, replacement symbol 36R" may be randomly assigned to each image site 32" of bonus payline 38" . . .

[0058] Referring again to FIG. 8, if a predetermined or preselected (e.g., player selected) trigger symbol 36T" appears at a predetermined or prespecified (e.g., player-selected) trigger site 32T" of array 30", the player may be awarded another bonus event. As one example of an additional bonus event, the award provided to the player based upon the results of each primary game and/or any bonus games may be increased (e.g., doubled). In another example of an additional bonus event, the player may be awarded a bonus round, such as that described previously herein with reference to FIG. 9. (Emphasis Added).

Fasbender thus provides that one or more bonus games or bonus events may be triggered or initiated from the primary game. Contrary to the claimed invention, *Fasbender* does not disclose, teach or suggest providing bonus games where any of the bonus games are initiated based on a triggering event occurring in a bonus game or in any other game other than the primary game.

Accordingly, *Fasbender* does not disclose, teach or suggest a processor that "causes the display device to replace the set of reels of the primary game with the set of reels in the first secondary game when a first triggering event occurs in the primary game" or a processor that "causes the display device to replace the set of reels in the

first secondary game with the second secondary game when a second triggering event occurs in the first secondary game" where the "primary game does not include a triggering event which directly causes the processor to cause the display device to display the second secondary game" as in the claimed invention.

For at least these reasons, amended Claim 1 and Claims 2 to 5 and 25 to 29, which depend from Claim 1, are each patentably distinguished over *Fasbender* and in condition for allowance.

Amended Claims 6, 9, 12, 17, 21, 55 and 59 include certain similar elements to amended Claim 1. Therefore, for at least the reasons provided above with respect to amended Claim 1, amended Claims 6, 9, 12, 17, 21, 55 and 59, and Claims 7 to 8, 30 to 34, 10 to 11, 35 to 39, 13 to 16, 40 to 44, 18 to 20, 45 to 49, 22 to 24, 50 to 54, 56 to 58 and 60 to 62, which depend from these claims, are each patentably distinguished over *Fasbender* and in condition for allowance.

Claim 16 was rejected under § 103(a) as being unpatentable over *Fasbender*. Claim 16 depends from amended Claim 12. Therefore, Applicants respectfully submit that Claim 16 is allowable for at least the reasons set forth above with respect to Claim 12 because *Fasbender* does not disclose, teach or suggest the novel element of Claim 16 in combination with the novel elements of amended Claim 12. For at least these reasons, Claim 16 is patentably distinguished over *Fasbender* and in condition for allowance.

Claims 4, 6 to 11, 13, 17 to 24, 30 to 39, 45 to 54 and 59 to 62 were rejected under § 103(a) as being unpatentable over *Fasbender* in view of *Watts*.

The Office Action states that *Fasbender* discloses all of the elements of the claims except for the gaming device including less secondary or bonus symbols in a first secondary bonus game than the symbols in the primary or base game. The Office Action therefore attempts to remedy the deficiencies of *Fasbender* with *Watts*. Applicants respectfully submit that the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the elements of Claims 4, 6 to 11, 13, 17 to 24, 30 to 39, 45 to 54 and 59 to 62.

Watts is directed to a gaming or amusement machine adding a two-stage or multi-stage operation. (See the Abstract). The amusement machine includes display

panels 2 and 3 where each display panel has a set of three side-by-side windows 8 and 9 for reels 10 and 11. In one embodiment, if a winning symbol combination occurs on line 13 associated with reels 11, the other set of reels 10 are set spinning. The machine provides a prize to the player based on any winning combination of symbols on the reels. (Col. 2, lines 13 to 62).

As described above, *Fasbender* does not disclose, teach or suggest all of the elements of the claimed invention. Additionally, *Watts* does not remedy the deficiencies of *Fasbender* because *Watts* does not disclose, teach or suggest triggering a second secondary game through a first secondary game where the primary game does not directly trigger the second secondary game. In *Watts*, the second set of reels are activated based on a triggering event (i.e., a winning symbol combination on line 13) occurring in the first game or primary game, not in a secondary or bonus game.

Watts also does not disclose, teach or suggest replacing any sets of reels with another set of reels. The reels 10 and 11 in *Watts* are fixed reels and cannot be replaced. There is no suggestion or teaching in *Watts* that either sets of reels can be replaced. (See Fig. 1 of *Watts*) *Watts* also does not disclose, teach or suggest replacing the set of reels in the first secondary game or bonus game with a second secondary game or bonus game when a second triggering event occurs in the first secondary game or bonus game.

For at least these reasons, the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the elements of Claims 4, 6 to 11, 13, 17 to 24, 30 to 39, 45 to 54 and 59 to 62.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned Attorney.

Respectfully submitted,

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